

Mitchell Dinnerstein

From: CHICHALKI RICHARD AMMAR (92036054)
Sent Date: Friday, October 10, 2014 10:05 AM
To: md@dinnersteinlaw.com
Subject: PSR - 35 days notice

October 10, 2014

Honorable William Pauley III
U.S. District Judge - SDNY
500 Pearl St.
New York, NY 10007

Subject: Delayed PSI Report -request for rescheduling of Sentencing date
Reference: United States V. Richard Chichakli, Case 09-CRI-1002 (WHP)

Your Honor

During the Court conference held on August 18, 2014, the honorable Court announced the date of November 14, 2014 for sentencing in the above reference case.

Subsequent to the Court's decision, defendant raised the issue of the absence of Pre sentencing Investigation Report

(PSR), and informed the court that defendant did not receive the PSR as of date. Defendant asserted that he requires

the report to be delivered to him for review 35 days in advance of sentencing in accordance with Rule-32.

It is noted that the Parole officer in charge of the case interviewed defendant on two separate occasions; being April 1st, 2013 for a total of six (6) hours, and then a follow-up interview on May 2d, 2013 for additional two(2) hours. It has been more than Five (5) month since the completion of the final interview.

Rule-32(e)(2) of The Federal Rules of Criminal Procedure states:

"Minimum Required Notice. The probation officer must give the presentence report to the defendant, the defendant's attorney, and the attorney for the government at least 35 days before sentencing unless the defendant waives this minimum period."

Defendant did not waive the 35 days minimum period as reflected in the records of Aug 18, 2013 Court conference.

Accordingly, defendant respectfully requests that the sentencing date to be rescheduled in order to be provided

the 35 days "Minimum Required Notice" in accordance with Rule-32(e)(2) of Fed. R. Cri. P.

Mitchell Dinnerstein

Respectfully submitted

Signed

Richard A. Chichakli (Pro-Se)
Defendant